

DRAFT UNAPPROVED

**VIRGINIA BOARD OF MEDICINE
MINUTES**

Friday, June 22, 2007	Department of Health Professions	Richmond, VA
CALL TO ORDER:	A panel of the Board was called to order at 9:12 a.m.	
MEMBERS PRESENT:	Stephen E. Heretick, J.D., Chair Patrick W. Clougherty, M.D. William H. Epstein, M.D. Juan M. Montero, II, M.D. Robert T. Mosby, Jr., M.D. Jane E. Piness, M.D. Karen A. Ransone, M.D. Ellen Shapiro, D.P.M.	
STAFF PRESENT:	Amy Marschean, Sr. Assistant Attorney General, Board Counsel Jennifer L. Deschenes, Deputy Executive Director, Discipline	
PARTIES ON BEHALF OF THE COMMONWEALTH:	William Clay Garrett, Assistant Attorney General Virginia A. Scher, Adjudication Specialist	
WITNESSES:	Inv. Cecile Custer (<i>on behalf of the Commonwealth</i>) Inv. Lisa Oliphant (<i>on behalf of the Commonwealth</i>) Kristin Geiger (<i>on behalf of the Commonwealth</i>)	
COURT REPORTER:	Keith Crane, Crane-Snead & Associates Calvin Addison, Crane-Snead & Associates	
MATTER SCHEDULED:	Joan M. Resk, D.O. License No.: 0102-050166 Case Nos.: 107726, 113728	
DISCUSSION:	Dr. Resk appeared before the Board in accordance with a Notice and Statement of Particulars dated May 18, 2007. She was represented by Paul G. Beers, Esquire. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Resk and witnesses called to testify.	
MOTION:	At the conclusion of the Commonwealth's case presentation, Mr. Beers' made a Motion to Strike the Commonwealth's evidence and its entire case for failure to provide expert testimony. Mr. Beers stated that the lack of a medical expert violated Dr. Resk's due process rights and opined that the Board could not serve as	

the medical expert, since his client could not cross-examine the Board. The Chair received oral argument from the parties regarding the motion.

CLOSED SESSION:

Upon a motion by Dr. Piness, and duly seconded by Dr. Montero, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Resk. Additionally, she moved that Ms. Marschean and Ms. Deschenes attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its ruling.

RULING:

The Chair ruled that Mr. Beer's Motion to Strike was dismissed with prejudice.

The hearing continued with Mr. Beers' presentation of his case on behalf of Dr. Resk.

CLOSED SESSION:

Upon a motion by Dr. Ransone, and duly seconded by Dr. Piness, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Resk. Additionally, she moved that Ms. Marschean and Ms. Deschenes, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Mosby, and duly seconded by Dr. Ransone, the Board made certain Findings of Fact Conclusions of Law and voted to reinstate the license of Dr. Resk, and issue her a reprimand. Also, her license was placed on certain terms and conditions.

VOTE:

The vote was 6 to 1, with Mr. Heretick voting "no".

ADJOURNMENT:

The Board adjourned at 5:29 p.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Stephen E. Heretick, J.D., Chair

William L. Harp, M.D., Executive Director

Date

Date

CALL TO ORDER:

A panel of the Board was called to order at 9:16 a.m.

MEMBERS PRESENT:

Malcolm L. Cothran, Jr., M.D., Chair
Sandra A. Bell, M.D.
Valerie L. Hoffman, D.C.
Gopinath R. Jadhav, M.D.
Gen. Clara Adams-Ender, R.N.
Ann T. Burks, J.D.
Roderick B. Mathews, J.D.

STAFF PRESENT:

Howard Casway, Sr. Assistant Attorney General, Board Counsel
William L. Harp, M.D., Executive Director of the Board

**PARTIES ON BEHALF OF
THE COMMONWEALTH:**

Frank Pedrotty, Senior Assistant Attorney General
Nancy Walsh, Adjudication Specialist

WITNESSES:

Cody Keen *(on behalf of Dr. Knox)*

MATTER SCHEDULED:

Robert A. Knox, DPM
Case No.: 114229

License No.: 0103-000788

DISCUSSION:

Dr. Knox appeared before the Board in accordance with a Notice and Statement of Particulars dated May 21, 2007. He was not represented by counsel. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Knox and the witness.

CLOSED SESSION:

Upon a motion by Dr. Bell, and duly seconded by Dr. Jadhav, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Knox. Additionally, she moved that Mr. Casway and Dr. Harp attend the closed meeting because their presence in the closed meeting

was deemed necessary and would aid the Board in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION: Upon a motion by Gen. Adams-Ender, and duly seconded by Dr. Bell, the Board made certain Findings of Fact and Conclusions of Law and voted to reinstate the license of Dr. Knox on indefinite probation and subject to terms and conditions.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 11:50 a.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

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Malcolm L. Cothran, Jr., M.D. Chair	William L. Harp, M.D., Executive Director

_____	_____
Date	Date
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CALL TO ORDER: A panel of the Board was called to order at 5:32 p.m.

MEMBERS PRESENT: Stephen E. Heretick, J.D., Chair
William H. Epstein, M.D.
Juan M. Montero, II, M.D.
Robert T. Mosby, Jr., M.D.
Jane E. Piness, M.D.
Karen A. Ransone, M.D.
Ellen Shapiro, D.P.M.

STAFF PRESENT: Amy Marschean, Sr. Assistant Attorney General, Board Counsel
Jennifer L. Deschenes, Deputy Executive Director, Discipline

PARTIES ON BEHALF OF THE COMMONWEALTH: William Clay Garrett, Assistant Attorney General
Michelle Wilson, Adjudication Specialist

OTHERS PRESENT: Faye Lemon, Director, Enforcement Division *(on behalf of the Commonwealth)*

COURT REPORTER: Calvin Addison, Crane-Snead & Associates

MATTER SCHEDULED: **John M. Butler, M.D.** **License No.: 0101-042329**
Case No.: 99252

PRELIMINARY MATTERS: The Chair noted that Dr. Butler was not present and the time was now 5:34 p.m. Dr. Butler was scheduled to appear before the Board on June 22, 2007 at 1:00 p.m.

Mr. Garrett provided the Chair with an affidavit signed by the Executive Director affirming that Notice had been made to Dr. Butler's official address of record with the Board at least (30) days prior to the convening of this hearing.

RULING: Based on the information provided, the Chair ruled that proper notice had been made to Dr. Butler. Therefore, the formal hearing would proceed in his absence and the Affidavit was admitted into evidence as Commonwealth's Exhibit #5.

DISCUSSION: Dr. Butler did not appeared before the Board in accordance with a Notice and Statement of Particulars dated May 9, 2007, nor was he represented by counsel. The Board received sworn testimony regarding the allegations in the Statement of Particulars from the witness called to testify.

CLOSED SESSION: Upon a motion by Dr. Ransone, and duly seconded by Dr. Mosby, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(15) of the Code of Virginia, for the purpose of consideration and discussion of medical and mental health records of Dr. Butler. Additionally, she moved that Ms. Marschean and Ms. Deschenes and the witness attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its discussion.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and continued its discussion.

CLOSED SESSION: Upon a motion by Dr. Piness, and duly seconded Dr. Montero, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Butler. Additionally, she moved that Ms. Marschean and Ms. Deschenes attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Mosby, and duly seconded by Dr. Piness, the Board made certain Findings of Fact and Conclusions of Law and voted to revoke the license of Dr. Butler.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 6:25 p.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Stephen E. Heretick, J.D., Chair

William L. Harp, M.D., Executive Director

Date

Date